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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,439	09/29/2003	Naohide Ota	117358	6698
25944	7590	12/08/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER WATKO, JULIE ANNE	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/671,439	Applicant(s) OTA, NAOHIDE	
	Examiner Julie Anne Watko	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/28/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Shishido et al (US Pat. No. 6314077 B1).

As recited in claim 1, Shishido et al show a disk drive 1 comprising: a rotation drive mechanism (including 6 and 15) that rotates a disk 20; an optical unit 19 that records information on the disk and/or reproduces information therefrom; a moving mechanism (including 24) that moves the optical unit; a chassis 2 that supports the rotation drive mechanism, the optical unit and the moving mechanism; and a weight 26 positioned opposite, via a rotational axis of the rotation drive mechanism, to an initial center-of-gravity position of the chassis that includes the rotation drive mechanism, the optical unit and the moving mechanism (“disposition of the counter weight 26 allows the center of gravity G’ of the drive unit 3 to be in conformity to or in proximity to the rotational center O of the spindle motor 6”, see col. 4, lines 46-49).

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As recited in claim 2, Shishido et al show that the weight 26 is arranged on a side (see Fig. 4) of the rotation drive mechanism 6 opposite, via the rotational axis O, to the optical unit 19 and the moving mechanism 24.

As recited in claim 3, Shishido et al show that the weight 26 is attached to a part (see Fig. 4) of a periphery of the chassis 2.

As recited in claim 4, Shishido et al show that the weight has a shape (rectangular) that matches a shape of a part of the (rectangular) chassis.

As recited in claim 5, Shishido et al show that the weight 26 is a single-piece member.

As recited in claim 7, Shishido et al show that the chassis 2 is equipped with dampers (see dampers 4) for vibration isolation.

As recited in claim 8, Shishido et al show that a corrected center-of-gravity position of the chassis with the weight being mounted thereon substantially coincides with the rotational axis ("disposition of the counter weight 26 allows the center of gravity G' of the drive unit 3 to be in conformity to or in proximity to the rotational center O of the spindle motor 6", see col. 4, lines 46-49).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shishido et al (US Pat. No. 6314077 B1).

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As recited in claim 6, Shishido et al are silent regarding whether the weight comprises at least two pieces.

There is no invention in duplicating existing parts unless a new and unexpected result is produced. See In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Furthermore, separating a unified part or unifying separate parts are matters of obvious engineering choice, provided that only ordinary skill in the art is required for the separation or unification. See In re Larson, 144 USPQ 347, (CCPA 1965).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add an additional weight to the drive of Shishido et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to further ensure that the center of gravity is in conformity to or in even closer proximity to the rotational center of the spindle motor of Shishido as is notoriously well known in the art.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sugimoto et al (US Pat. No. 5349486) show a magnetic disk storage apparatus which "suppresses rotating movement of the enclosure, resulting from unbalance in rotation of the disk rotating system through matching of the gravity center (i.e., center of gravity) 73 of enclosure 71 and the rotation center 76 of spindle 75 of disk 74 by attaching a weight 72 to the enclosure as shown in FIG. 16" (see col. 10, lines 22-28).

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Sri-Jayantha et al (US Pat. No. 6683745 B1) show a mounting system for a disk drive wherein "additional masses 82 may be provided to move the center of gravity towards the axis of rotation" (see col. 8, lines 32-34).

Moser et al (US Pat. No. 5400196) show a drive with mass 40 (see Fig. 3).

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (571) 272-7597. The examiner can normally be reached on Monday-Thursday until 4:45PM, and Friday until 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Julie Anne Watko  
Primary Examiner  
Art Unit 2653

December 4, 2005  
JAW

